

TOWN OF CHATHAM
488 State Route 295, Chatham, NY 12037

Town Board Meeting Minutes
Thursday, September 21, 2023 @ 6:30PM

This Meeting is IN PERSON (Town Hall) For Board Members With the Exception of the Occurrence of Extraordinary Circumstances

IN PERSON and VIRTUAL for the Public

Google Meet: meet.google.com/tqz-efzm-xbh Join By Phone: (US) +1 224-814-1308 PIN: 632 413 079#

- **RECORDING NOTICE**

- **PRESENT**

Supervisor Donal Collins, Councilmembers Vance Pitkin, Abi Mesick, Destiny Hallenbeck, Rick Werwaiss, CAATS Tammy Shaw, Town Clerk Beth Anne Rippel, Town Attorney Tal Rappleyea, PB Chair Gabriella Sperry

- **CALL TO ORDER**

Supervisor Collins called the meeting to order and led the pledge of allegiance.

- **ANNOUNCEMENTS:**

1. 2023 Farm Tour (Sept 23, 2023) 10am-4pm
 1. A Ooms and Sons
 2. Arthurs Point
 3. Buttonwood Hollow
 4. Chatham Berry Farm
 5. DogWood Farm and Rock City Mushrooms
 6. Hawthorne Valley Farm
 7. High and Mighty Farm
 8. Kinderhook Farm
 9. Little Brook Farm
 10. Maple Leaf Sugaring
 11. Staron Farm
 12. Woven Stars Farm
2. Repair Cafe (Sept 23, 2023) 10am-2pm Hoag Corners Firehouse
3. Octoberfeast (Sept 30, 2023) 11am-4pm Main Street Village of Chatham
4. Comprehensive Plan Update Review Committee Public Hearing (October 7th) 11am-2pm North Chatham

Collin-Thanks to all highway and electrical workers for their hard work after the storms, we're truly grateful.

- **CORRESPONDENCE:**

- | | |
|---------------------|--------------------------|
| 1. Hartigan Road | Re: Paving |
| 2. Hartigan Road | Re: Paving |
| 3. Hartigan Road | Re: Paving |
| 4. Ridgeview Drive | Re: STR, Draft |
| 5. Frog Alley | Re: Speeding in OC |
| 6. Phelps Road | Re: Road Conditions |
| 7. Rock City Road | Re: STR Draft |
| 8. Bashford Road | Re: Road Maintenance |
| 9. Merwin Road | Re: Hartigan Road Paving |
| 10. Locust Street | Re: Hartigan Road Paving |
| 11. Boice Road | Re: Paving |
| 12. Ridgeview Drive | Re: STR Draft |
| 13. Ridgeview Drive | Re: STR Draft |
| 14. Drowne Road | Re: STR |
| 15. Pitts Road | Re: STR |
| 16. Sincavich Road | Re: Hartigan Road Paving |

- **SUB-COMMITTEE REPORTS:**

1. Broadband Committee- (Councilman Pitkin/Councilwoman Hallenbeck)
Pitkin-did not meet. Looking into 5G and educating themselves. Hallenbeck-not heard anything on federal funds available
2. CAP (Chatham Agricultural Partnership)- (Supervisor Collins)
Few months off for harvest time. Working on Ag protection. Thanks to Kim....
3. Climate Smart/Action Task Force Committee- (Councilman Werwaiss)
Looking into encouraging composting and how we can work with the County. Plans for dark sky initiative sometime in fall. Further discussion about streetlights. Looking into grant for photovoltaic thru Climate Action of Hudson Valley, due November 21.
4. Communications Committee- (Councilwoman Mesick)
Working on the next edition of the newsletter. Shared the committee's protocol which covers how the newsletter is put together.
5. Comprehensive Plan Update Review Committee- (Councilwoman Mesick)
Public Hearing on the Plan will be held Oct. 7th at 11 am at the NC Firehouse. Hopefully this will be their last meeting before moving into a vote
6. Finance & Planning Committee-(Supervisor Collins)
Didn't meet, waiting for budget to review and the highway capital project.
7. Housing Committee- (Councilwoman Hallenbeck/Councilwoman Mesick)
Met and are working on housing needs. There was information gathered in the Comp Plan survey but they didn't get participation from younger residents and wanted to create another housing survey. They want to send out the survey and are looking for board permission. Collins-we have 900+ followers on our FB page.
8. Parks & Recreation Committee- (Councilman Pitkin/Supervisor Collins)
Shakespeare in the Park if TB wants to pursue it. Setup an amphitheater-type setting with bleachers. Park getting lots of use this fall. Lots of storm damage in the Park. Thanks to Donal

and Tim for all his assistance with cleanup. At this time the disc golf course is closed due to storm damage. Many downed trees. Pickle ball court grant is already approved. Discussing the park master plan and current park management plan to see where we want to go.

9. Grants Appropriations Committee (Councilman Werwaiss)

Didn't meet.

10. CAC (Councilman Werwaiss)

Start meeting after the referendum in November.

11. Invasive Species Awareness Committee (Councilwoman Mesick)

Linda did an informational printout on Oriental Bittersweet. The native species of bittersweet is not super aggressive and berries are only on the tips. They meet on the last Monday of the month.

12. Town & County (Supervisor Collins)

Lengthy report on file

• **REPORTS ON FILE:**

1. Assessor-nothing to report
2. Code Enforcement/Building Inspector
3. Dog Control-on file
4. Environmental Mgt Council-no report
5. Finance Department-on file
6. Highway Department-on file
7. Justice Court
8. Office of the Aging Advisory Board-on file
9. Recreation Director-on file
10. Supervisor's Report-on file
11. Town Clerk-on file

• **NEW BUSINESS:**

1. 2024 Budget Review Calendar
Hallenbeck- asking to attend virtually is govt. Shuts down. Collins said yes.
2. Speeding in the Hamlets
Talked about continuing with data collection. Highway will be dealing with some of it.
Hallenbeck-have we talked to the State DOT? Yes.

• **OLD BUSINESS:**

1. Hartigan Road Resurfacing
 - Revised 284 Agreement
Werwaiss- asked Donal if he was going to read the letter from James. Donal read the letter from James Fetzer, Highway Superintendent on paving Hartigan.
Werwaiss has a question- we've already done a lot of this work, why did it come before the Board, but they paved it without approval from the Board. (the Board approved the 284 agreement)
 - Comment on James letter- pleased that we hired James but paving was a rush on James' part. We're up against the clock, pave before the end of the season. James didn't have time

to explore alternatives. Would have been smart to do the explorations before we pave. This is going to happen but it's not a good policy to pave or not. Pitkin-the last 3 highway superintendents recommended paving Hartigan and we have to rely on the experts who are trained to do the work. Their response has to be taken into consideration.

Hallenbeck-support dirt roads, trust James going forward. She would like to have seen the Town hold a public hearing on this. Hartigan is part of the Town character. Thank you all who came out. Collins-supports paving Hartigan, it's a disaster in all seasons. Werwaiss-how long does it take to get a speed limit posted. Collins- 6 months, hope we can expedite. So it's 55 until then. Yes

2. Short Term Rental Draft Regulation

Werwaiss doesn't have the info he said he would have to bring to this meeting. He hasn't heard back from the attorney who was reviewing it for him. It had to do with fines and a look at definitions.

Pitkin-three things he'd like to see edited 1. changing the number of occupants to 2 adults/bedroom. What we have now would give rise to a party house. 2.suggest that all the current short-term rentals would be eligible to apply for a permit the first year and then thereafter, we limit the number of new permits issued to just five/ year. This would discourage the commercial STR. If someone is thinking of buying the property in Chatham exclusively for doing a short-term rental, It would and you had to go on a waiting list for a couple years. 3.in regards to fines 50\$ fine for 1st violation, 2. Mandatory \$250 for 2nd offense and the 3rd violation \$1,000. Fine and loss of the STR permit.

Werwaiss-Airbnb's operating without a permit should be fined at the highest rate we can get.

Discussion fees, numbers, particulars continue

Collins- in the current draft STR owners have 120 days to register for a permit. Likes having a cap in hamlets Pitkin-not sure that they'll care about our limit.

Mesick-she doesn't want people to feel if they have an out-of- state license plate in the neighborhood that they are Airbnb guests.

Hallenbeck-if you use it (STR) to make a mortgage payment that's ok.

Collins-we can't target an LLC.

Collins-these issues of fines and fees can lie outside of the draft. Pitkin any interest in compromise in grandfathering in.? He's loath to penalize people without incident.

Werwaiss-wouldn't we need Granicus? Shared services with the County. Werwaiss would be totally into discussing grandfathering.

Pitkin-Arbitrary number to solve an imaginary problem.

Hallenbeck-we are facing a housing shortage. She's not for or against STR's and appreciates what STRs do for our community. STR eats up housing stock. It will get worse. It is our job to keep the vision of the character. Mesick-being able to limit the number of permits and where they are.

Collins-next meeting we'll iron out fee schedule and leveraging grandfathering

3. Comprehensive Plan Update Review Committee- Public Hearing at NCFC

Thank you for all their hard work and see everyone in NC in October.

Werwaiss-doesn't remember-were going to be lead agent on SEQRA right? How are we going to say this doesn't have an environmental impact? Tal-it's the menu to the impact.

- **PUBLIC COMMENT**

Gail Day-when she uses Hartigan she's surprised that she doesn't see that many cars. (as per the traffic study indication) The trail camera she put out only got 75 cars. Paving the road creates a negative impact.

Doug Welch-CDR Coalition, read from s statement.

Kathy LaPlante-when the bridge went in on Hartigan traffic increased, it's time it was paved. Too much work has to be done on the road. There are big trucks on the road. She loves Hartigan but GPS now brings tractor trailers down the road. She walks on the road. She's seeing change and wishes it doesn't have to be done but with so much going on on the road it is necessary.

Joann Nard-paving will only increase speeding. She was told last month that TB would be reporting back on what was done. We expect you folks to do something. Collins- spoke to the Sheriff. It's a public safety issue and he's encouraged police presence. There are 8 vacancies in the department and they are short staffed.

Mesick-more speed tracking with signage in each hamlet. Why do we have to pay for enhanced patrol? If they were ticketing in a rigorous fashion. Encourage forming committees and come back to the Board. This is a community issue.

Collins-If residents call the Sheriff it will help.

Tim Briney-what is the response to the letters?

Collins-speed bumps are not popular with the highway superintendent.

Briney-signs don't work. You must do something about this, we are in danger. Best solution was a road full of potholes. Level of interest is intense. 49 people have signed this and we're going to keep pushing. He disputes the data that was gathered. Ben Nagy will be liaison.

Collins was asked previously about sidewalks in OC, it was an incredible heavy lift at that time, but Collins said he doesn't think that's so any longer. He has called the sheriff regarding speeding.

Pitkin-sympathizes with the residents. but it's endemic in our society. Not sure how to change people's attitude.

It's a law enforcement problem and we're not equipped to deal with it. We don't have the tools to enforce the law.

Tammy-speeding is a law enforcement issue. Spoke to Highway Superintendent about Mr. Briney's packet. James will do as much as we can and we've already been researching traffic calming measures. Everything researched so far speed bumps decrease response times. It is a law enforcement issue and maybe get on the phone with the police dept.

Werwaiss-let's get speed humps, get a decoy cruiser.

Change the speed to 25 mph for that hamlet. Likes speed hump ideas. Collins-doesn't think the State will allow us to drop the speed limit below 30.

Voice for EC hamlet: we have the same situation aggravated by the bridge. Green light is very short and cars are speeding to get the green light.

Heather Uhlar-we all knew this was coming. Laying pavement will not reduce speeding.

Hartigan is going to be the Autobahn now. Dirt road group has 1600 members. Other options need to be considered for the future. Understands the residents on the road who want pavement. Wapner-keep hearing that the dirt road has to be paved. Nothing else has been tried. Issue of the shoulder. Is there room for a shoulder? At least make the road wider. Take walkers and bicycles into consideration.

Bobseine- Thinks the town needs a roads policy. Mesick-we've heard what you're saying, we

have a highway superintendent and we need to listen to our professionals. Heather suggested an alternative which Abi is researching. Heather-sent info. to Donal and the material will cost \$7500.00/mile you put it into the water truck. It's a fraction of what it costs to pave. They did it in Michigan so it holds up. We'll talk to James.

Carol Moore-helpful to have a policy. She suggests part of the policy is to consult people who live on the road. Asked if people on Hartigan were consulted. Yes, HS reached out to all the residents.

Gail-OC speed limits-OC daycare wouldn't that be considered a school? We can reduce the speed limit to 20 mph if that is the case.

Wapner-2017 report, he doesn't know if Collins read that yet.

Kathy LaPlante-There is no speed limit posted on Hartigan Rd. She did not agree with the bridge, it wasn't necessary but led to the road issues. She doesn't want to see other dirt roads meeting the same fate.

Joanne-thank you folks for all the work that goes into the Town. Not a healthy culture. We've shown that we're not going to tolerate this in our community. "Not in this Town".

When you were at the last meeting Hartigan road was tabled. There was a grader on the road this week, so when was it decided to pave Hartigan? It is not there for paving. Shaw said the roller was there to take down a bump in the road.

- **RESOLUTIONS:**

1. **Resolution#160-23: To Approve the Town Board Minutes.**

WHEREAS, the Chatham Town Board approves the Town Board Minutes for August 3, 2023 and August 17, 2023.

Offered by: Hallenbeck seconded motion: Mesick

VOTE:

AYE: Collins, Pitkin, Mesick, Hallenbeck, Werwaiss **NAY:** None Resolution adopted

2. **Resolution#161-23: To Accept the Town Accountant's Financial Supervisor's Report.**

WHEREAS, the Chatham Town Board accepts the Town Accountant's Financial Supervisor Report for August, 2023.

Offered by: Hallenbeck seconded motion: Werwaiss

VOTE:

AYE: Collins, Pitkin, Mesick, Hallenbeck, Werwaiss **NAY:** None Resolution adopted

3. **Resolution#162-23: To Accept the Financial Abstract as presented to pay the Town Bills.**

WHEREAS, the Chatham Town Board accepts the Financial Abstract #9 and #9A as presented to pay the Town Bills.

Offered by: Hallenbeck seconded motion: Werwaiss

VOTE:

AYE: Collins, Pitkin, Mesick, Hallenbeck, Werwaiss **NAY:** None Resolution adopted

4. **Resolution#153-23: To Revise the 284 Agreement (Tabled 8-17-2023)**

WHEREAS, the Chatham Town Board and the Superintendent of Highways are required by Highway Law § 284 to enter into a written agreement stating the places and manner in which the Highway Fund appropriations for repairs and improvements are to be expended; and

WHEREAS, the Chatham Town Board and the Superintendent of Highways entered into such agreement on May 18, 2023, Resolution #115-23, and

WHEREAS, a revision is needed to said 284 Agreement due to additional road maintenance, and

THEREFORE, BE IT RESOLVED, that the Chatham Town Board hereby approves the revised 284 Agreement, submitted by the Highway Superintendent, to spend Town Highway Funds in 2023.

Offered by: Mesick seconded motion: Pitkin

Werwaiss-opposed. Town hasn't done their homework. James didn't have time to consider the options. Give him more time

Hallenbeck-wish we did a public hearing. She is opposed

Collins-it's a sink on our resources. He's on the road 365 days/year in all-weather

VOTE:

AYE: Collins, Pitkin, Mesick, **NAY:** Hallenbeck, Werwaiss Resolution adopted

• **EXECUTIVE SESSION**

Pursuant to public Officers Law section 105 (e) Matters relating to Collective Negotiations.

A MOTION to enter Executive Session was made by Collins second by Werwaiss. Motion carried

A MOTION to leave Executive Session was made by Hallenbeck, second by Werwaiss. Motion carried.

5. **Resolution#163-23: To Approve the Agreement and between the Town of Chatham and the Teamsters Local 294**

WHEREAS, employees of the Town of Chatham Highway Department are represented for collective bargaining purposes by TEAMSTERS LOCAL 294 ("Union"); and

WHEREAS, the Union and the Town of Chatham ("Town") has previously entered into an agreement regarding terms and conditions of employment, including wages, compensation and benefits for the covered employees of the Town Highway Department and such agreement will

expire on December 31, 2023; and

WHEREAS, representatives from both the Union and the Town have negotiated and drafted a new potential collective bargaining agreement, which has been presented to both parties for review and adoption; and

NOW THEREFORE, BE IT RESOLVED, the Town Board of the Town of Chatham, after review and discussion, hereby approves the attached Collective Bargaining Agreement effective January 1, 2024 through December 31, 2026; and

BE FURTHER RESOLVED, the Supervisor is hereby authorized to sign and deliver any documents necessary to effectuate the terms and conditions of this Resolution and implement same on behalf of the Town.

Offered by: Mesick seconded motion: Hallenbeck

VOTE:

AYE: Collins, Pitkin, Mesick, Hallenbeck, Werwaiss **NAY:** None Resolution adopted

- **PUBLIC COMMENT**

None

- **MOTION TO CLOSE MEETING**

On a MOTION by Werwaiss and second by Mesick the meeting adjourned at 8:45PM

Respectfully submitted by,

Beth Anne Rippel, Town Clerk